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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,499	09/14/2005	Gary Paul Noble	GB920030018US1	7764

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EXAMINER	
HO, VIRGINIA T	

ART UNIT	PAPER NUMBER
2432	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,499	NOBLE, GARY PAUL	
	Examiner	Art Unit	
	VIRGINIA HO	2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38-40, 43-47,and 50-55* is/are rejected.

7)☒ Claim(s) *41-42, 48-49* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the request for reconsideration filed May 8, 2009.

2. Claim 38 has been amended.

3. Applicant's arguments, with respect to the claims, have been considered and are persuasive. However, new grounds of rejection are presented.

Response to Arguments

4. Applicant's arguments, see page 8, filed May 8, 2009, with respect to the rejection of claims 38-55 under 35 U.S.C. § 101 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

5. Applicant's arguments, see page 9-11, filed May 8, 2009, with respect to the rejection of claim 38 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, an update of the search field has resulted in a discovry of new prior art. New ground(s) of rejection based on the newly discovered prior art, *Gujar et al. (US Patent 6,446,208)*, are presented below.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 38-40, 43-44, 50, and 55 are rejected under 35 U.S.C. 102(a) as being anticipated by *Gujar et al. (US Patent 6,446,208) (hereinafter Gujar)*.

As per claim 38, Gujar teaches an identification method, comprising:

a radio frequency identification (RFID) reader scanning a user to read N Radio Frequency Identification (RFID) tags respectively embedded in N objects being carried by the user, each tag of the N tags comprising a tag identifier of said each tag, said N being at least 2 *(column 1, lines 8-9, object attachable radiofrequency electronic tags and tag readers; column 2, lines 30-32, at least one electronic identification tag is affixed to each physical item that is associated with digital services; column 9, lines 54-56, sequentially or simultaneously reading multiple electronic tags from one or more tag readers)*;

comparing the N tags read by the RFID reader with M tags in a registered record of data, said registered record comprising a reference to the user, each tag of the M tags comprising a tag identifier, said M being at least N *(column 2, lines 63-65, a database maps identification numbers corresponding to the tags, to one or more digital services; column 2, lines 60-63, upon receipt of the identification number, a computer "determines the current application context, and provides appropriate digital services")*; and

permitting access by the user to a resource if said comparing has determined that the tag identifiers in the M tags comprise the tag identifiers in the N tags read by the RFID reader *(column 3, lines 26-28, each identification number or sensed data value that is read can be labeled as a "senseme"; column 10, lines 18-25,"sensemes taken together form a sentence that can be interpreted as a command to implement a computer controlled action (i.e. digital service), whether it be to open and print a particular electronic document, unlock an*

electronically controlled door, display a graphical image, or begin logging on to a computer network").

As per claim 39, Gujar teaches the method of claim 38, as applied above. Additionally, Gujar teaches the method, wherein M = N *(column 3, lines 58-65, the first and second sensemes (and any subsequent sensemes) together form a sentence that can be interpreted as a command to implement a computer controlled action; column 3, lines 65-67, for example, the sentence "establish authorization, open a file, and print the file to printer number 3" would involve reading three tags corresponding to the individual service/attribute – 'establish authorization', 'open a file', and 'print the file' - which comprise the sentence).*

As per claim 40, Gujar teaches the method of claim 38, as applied above. Additionally Gujar teaches the method, wherein M exceeds N *(M exceeds N in the case where M comprises various actions, and not presenting a particular tag associated with an action will simply result in not performing that particular action; in the example sentence "establish authorization, open a file, and print the file to printer number 3", M corresponds to three tags, and a user could present just two tags corresponding to the actions of establishing authorization and opening a file).*

As per claim 43, Gujar teaches the method of claim 38, as applied above. Additionally, Gujar teaches the method, wherein after said scanning the method further comprises sorting the tag identifiers in the N tags read by the RFID reader *(column 3, lines 35-38, multiple senseme*

input, with temporally synchronous or overlapping asynchronous tuples of one or more sensemes; column 3, lines 40-41, "a sentence is defined as a sequence of one or more temporally disjoint sensemes or senseme tuples"; thus, in the example sentence "establish authorization, open a file, and print the file to printer number 3," the individual tag identifiers read must be sorted in order to log in to a computer first, prior to getting access to the document, and lastly sending it to a printer).

As per claim 44, Gujar teaches the method of claim 38, as applied above. Additionally, Gujar teaches the method, said resource being a resource other than a computer resource *(column 3, lines 62-63, unlock an electronically controlled door).*

As per claim 50, Gujar teaches the method of claim 44, as applied above. Additionally, Gujar teaches the method, wherein a tag identifier in a first tag of the N tags includes an indication of a type of the object in which the first tag is embedded *(column 1, lines 52-58, an electronic tag attached to a physical document allows a user to access some associated virtual representation of the document).*

As per claim 52, Gujar teaches the method of claim 44, as applied above. Additionally, Gujar teaches the method, wherein the registered record comprises biometric information of the user *(column 7, lines 63-64, the electronic tag can be attached to a sensor; column 8, lines 2-6, the sensors may incorporate voice identification; column 8, lines 18-19, 23-26, the sensor data*

can be directly fed to the electronic tag; "use of such sensor systems provides additional input information").

As per claim 55, Gujar teaches the method of claim 44, as applied above. Additionally, Gujar teaches the method, wherein a first tag of the N tags is a transponder comprising a microchip with a memory capacity for holding the tag identifier of the first tag, and wherein the transponder is adapted to be energized by an external source provided by the RFID reader *(column 11, lines 12-14, the electronic tag includes memory for holding an identification number; column 2, lines 43-45"The tag reader transmits a pulse that momentarily energizes the tag through its coil until it has sufficient power for transient transmission of its identification number.").*

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gujar, in view of Nerlikar *(US Patent 5,629,981)*.

As per claim 53, Gujar teaches the method of claim 44, as applied above. Gujar does not explicitly teach the method, wherein the M tags have an expiration time. However, Nerlikar teaches an access control system utilizing RFID transponder badges, whereby authorization is

subject to expiration when a specified period of time ends *(column 13, lines 57-67)*. It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Gujar to set an expiration time for the M tags of a registered record, as Nerlikar teaches that "this is useful if an individual is working on a project for a specific period of time, as the individual's authorization to access a resource such as a location can be automatically cancelled upon the completion of the project" *(column 13, lines 57-67)*.

10. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gujar, in view of Laval *(US Patent No. 6173209)* (hereinafter Laval) and further in view of Ott *(US Pre-Grant Publication No. US 2003/0052539)*.

As per claim 45, Gujar teaches the method of claim 44, as applied above. Gujar does not explicitly teach the method, wherein said access to the resource is selected from the group consisting of access to credit, access to a car, and access to a concert. However, Laval teaches a method for determining access to an attraction, which is defined to comprise a location at which a service is provided, including a stage or other show. A customer wishing to gain access to an attraction would have been given a pass which is read by a validator *(column 7, lines 62-66)*, which then communicates with a database containing information regarding the customer to determine his or her access rights to a particular attraction *(column 8, lines 7-10)*. The pass may constitute coded tokens featuring RFID tags *(column 8, lines 13-16; lines 25-28)*.

It would have been obvious to one of ordinary skill in the art at the time of the invention that access to an attraction constitutes access to a concert, as the RFID tag embedded in the pass is used as a ticket. It would have been obvious for one of ordinary skill in the art at the time of

the invention to modify Gujar to provide access to a concert, in order to offer a comprehensive access control system which protects a multitude of resources.

Furthermore, Ott teaches an identification system comprising of a reader *(paragraph [0014], lines 1-3)*, an RFID tag embedded in some object *(paragraph [0015])*, and some type of comparison means *(paragraph [0016])*, which determines whether or not a user is authorized to access a resource such as a car *(paragraph [0025])*. Ott additionally notes "the identification system can, of course, also be used with other objects in which access is possible only after confirmation of authorization, for example with a computer, a telephone, *an ATM*, a building, garage or other regions which are initially barred *(paragraph [0036], lines 4-8)*." Thus, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Gujar further to provide access to a car or an ATM (access to credit) for the reasons stated above.

11. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gujar, in view of Freund *(US Pre-Grant Publication No. 2003/0187787)*.

As per claim 46, Gujar teaches the method of claim 44, as applied above. Gujar does not explicitly teach the method, wherein prior to said scanning the method further comprises authenticating the user during a registration process in which the registered record is generated. However, Freund teaches a user who must be authentication during a registration process *(paragraph [0038])*. It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Gujar to authenticate the user prior to scanning, as doing so ensures that the user is tied to the object which he carries.

12. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gujar, in view of Freund, and further in view of OFFICIAL NOTICE.

As per claim 47, Gujar and Freund teach the method of claim 46, as applied above, but do not explicitly teach the method, wherein said authenticating the user is performed utilizing an asymmetric key pair, and wherein the key pair consists of a private key and a public key. However, examiner provides OFFICIAL NOTICE that it is well known and expected in the art to utilize asymmetric key pairs in authentication. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Gujar to utilize asymmetric key pairs, as doing so would provide a standard and convenient manner of verifying the identity of a user during authentication.

13. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gujar, in view of OFFICIAL NOTICE.

As per claim 51, Gujar teaches the method of claim 44, as applied above. Gujar does not explicitly teach the method, wherein the reference to the user includes the tag identifier comprised by a first tag of the M tags. However, Examiner provides OFFICIAL NOTICE that it would have been well known and expected in the art at the time of the invention to utilize a single tag to reference a group of tags. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Gujar to include a reference to a first tag of the M tags, as doing so would provide an efficient manner of cross-referencing the first tag with the other associated tags in the group.

14. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gujar, in view of Erca *(US Pre-Grant Publication No. 2003/0158785)*, and further in view of Rau et al. *(US Pre-Grant Publication No. 2003/0126017) (hereinafter Rau).*

As per claim 54, Gujar teaches the method of claim 44, as applied above. Gujar does not explicitly teach the method, wherein an object of the N objects comprises a watch or a phone. However, Erca teaches RFID tags being embedded in or on a cell phone *(paragraph [0025]).* It would have been obvious for one or ordinary skill in the art at the time of the invention to modify Gujar to comprise RFID tags embedded in phones as Erca teaches that such items are "readily transportable" *(paragraph [0026]).* Additionally, Rau teaches embedding RF transponders within a watch *(abstract).* It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Gujar further to embed RFID tags within a watch, as Rau teaches embedding transponders in such items for "convenience or affinity" *(abstract).*

Allowable Subject Matter

15. Claims 41-42, and 48-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRGINIA HO whose telephone number is 571-270-7309. The examiner can normally be reached on Mon to Thu; 8:30 AM - 5:00 PM (Eastern).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gilberto Barron Jr./
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